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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,823	11/13/2001	Casper Kruger Troelsen	22645-7200	7261
7590 05/19/2005		•	EXAMINER	
David G. Beck			NI, SUHAN	
McCutchen, Do	yle, Brown & Enersen, LL	P		<del></del>
Suite 2500		ART UNIT	PAPER NUMBER	
Three Embarcadero Center			2643	
San Francisco, CA 94111			DATE MAILED: 05/19/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)			
Office Action Summary		10/007,823	TROELSEN ET AL.			
		Examiner	Art Unit			
		Suhan Ni	2643			
 Period for	The MAILING DATE of this communication app Reply	pears on the cover sheet with the c	correspondence address			
THE MA - Extensic after SIX - If the pe - If NO pe - Failure t Any repl	RTENED STATUTORY PERIOD FOR REPLAILING DATE OF THIS COMMUNICATION. ons of time may be available under the provisions of 37 CFR 1.1 (6) MONTHS from the mailing date of this communication. riod for reply specified above is less than thirty (30) days, a replained for reply is specified above, the maximum statutory period or reply within the set or extended period for reply will, by statute by received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin by within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)⊠ R	esponsive to communication(s) filed on 10 D	December 2004.				
·	<u> </u>	s action is non-final.				
′=	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
cl	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition	n of Claims					
4a 5)□ C 6)□ C 7)□ C	laim(s) <u>1-22</u> is/are pending in the application c) Of the above claim(s) is/are withdrawalaim(s) is/are allowed. laim(s) is/are rejected. laim(s) is/are objected to. laim(s) <u>1-22</u> are subject to restriction and/or	wn from consideration.				
Application	n Papers					
9)∐ Th	e specification is objected to by the Examine	er.				
10)□ Th	e drawing(s) filed on is/are: a)☐ acc	epted or b) objected to by the I	Examiner.			
Aı	oplicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
	eplacement drawing sheet(s) including the correct se oath or declaration is objected to by the Ex	· · · · · ·	, ,			
Priority und	der 35 U.S.C. § 119	·				
12)	cknowledgment is made of a claim for foreign All b) Some * c) None of: Certified copies of the priority document Certified copies of the priority document Copies of the certified copies of the priority document application from the International Bureau the attached detailed Office action for a list	is have been received. Is have been received in Application rity documents have been received in PCT Rule 17.2(a)).	on No ed in this National Stage			
Attachment(s	)					
1) D Notice o	f References Cited (PTO-892)	4) Interview Summary				
3) 🔲 Informat	of Draftsperson's Patent Drawing Review (PTO-948) tion Disclosure Statement(s) (PTO-1449 or PTO/SB/08) o(s)/Mail Date	Paper No(s)/Mail Da 5)  Notice of Informal P 6)  Other:	ate Patent Application (PTO-152)			

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## **DETAILED ACTION**

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1. This communication is responsive to the response filed 12/10/2004.

2. The applicant's response with argument filed 12/10/2004 is persuasive and the examiner agrees with the applicant that there are numerous method steps recited in claims 1-15 and 19-22 are clearly not inherent in claims 16-18. Therefore, a new ground of rejection is set forth below.

## Election/Restriction

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-18, drawn to the structures/structural elements of a hearing aid and

method for loading data within a memory of the hearing aid;

II. Claims 19-22, drawn to a method for loading data within a memory of the hearing

aid and generating an associated error detection code.

4. Inventions I and II are related as combination and subcombination. Inventions in this

relationship are distinct if it can be shown that (1) the combination as claimed does not require,

the particulars of the subcombination as claimed for patentability, and (2) that the

subcombination has utility by itself or in other combinations (MPEP '806.05(c)). In the instant

case, the combination as claimed does not require the particulars of the subcombination as

claimed because the invention I only solely drawn for loading data within a memory of the

hearing aid. The subcombination has separate utility such as an error detection code involved in

the hearing aid.

5. Because these inventions are distinct for the reasons giving above and have acquired a

separate status in the art as shown by their different classifications, restriction for

examination purposes as indicated is proper.

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6. Because these inventions are distinct for the reasons given above and the search required

for Group I is not required for Group II. Restriction for examination purposes as indicated is

proper.

7. Applicants are advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement is traversed (37

CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a petition under 37

CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

9. The prior art of Foreign Patent Document has not made of record, since there is still no

copy of listed foreign patent provided by the applicant (can be verified by PAIR, please see

below). Please provide a copy of DE19734723C1 document in next communication for

consideration.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Suhan Ni whose telephone number is (571)-272-7505, and the

number for fax machine is (703)-872-9306. The examiner can normally be reached on Monday

through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, Curtis

Kuntz, can be reached at (571)-272-7499.

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11. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov/. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12. Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the group receptionist whose telephone number is (571)-272-2600, or

please see http://www.uspto.gov/web/info/2600.

SN

May 14, 2005

SUHAN MI

PRIMARY EXAMINED

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